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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yuji FURUUCHI et al.

Group Art Unit: 2835

Application No.: 10/538,754

Examiner: A VORTMAN

Filed: June 10, 2005

Docket No.: 124221

For: PROTECTIVE ELEMENT

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the August 20, 2007 Lack of Unity of Invention (Election of Species) Requirement, Applicants provisionally elect Species I, Figures 1A and 5 with traverse. Furthermore, Applicants respectfully assert that at least claim 1 is generic, and at least claims 1 and 2 read on the elected Species.

However, this Election of Species Requirement is strongly traversed since it is contrary to PCT rules. For example, Article 27 of the Patent Corporation Treaty requires that: "no national law shall require compliance with requirements relating to the form or contents of the international application different from or in addition to those which are provided for in this Treaty and the regulations."

Further, PCT Rule 13 requires that claims which encompass one single general inventive concept be searched and examined in the same international application. For example, PCT Rule 13.1 states: "the international application shall relate to one invention or to a group of inventions so linked as to form a single general inventive concept."